


Office of the City Engineer

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MEMORANDUM

TO: West Lafayette Board of Public Works and Safety
Judith C. Rhodes, Clerk-Treasurer

FROM: David M. Buck, PE, City Engineer 

DATE: March 15, 2010

RE: LAND ACQUISITION POLICY - UPDATE

Major capital improvement projects are designed to improve public safety and enhance the quality of life for the citizens of West Lafayette. At times, these projects require additional land to achieve the goals and objectives of the project.

The Board of Works has an established policy which has been followed to ensure a fair and uniform property acquisition process. This policy conforms to Indiana Code and the INDOT process.

For federal-aided projects, the Indiana Department of Transportation has a specific and detailed process which the City follows to acquire land. Specifically, INDOT's *Right of Way Acquisition Procedure Manual for Local Public Agencies* describes the entire process from beginning to end. On locally funded projects, the City follows the format of the INDOT procedures, but with a streamlined process outside of INDOT approval and review.

I would like recommend the attached update to this policy to add further detail and guidance on future capital improvement projects.

CITY OF WEST LAFAYETTE, INDIANA

LAND ACQUISITION PROCEDURES FOR PUBLIC WORKS PROJECTS

As a general rule, the City of West Lafayette follows the Uniform Land Acquisition Procedures as specified under Indiana Code, (IC 32-24) as well as the format contained under the Indiana Department of Transportation's *Right of Way Acquisition Procedure Manual for Local Public Agencies*.

When additional land is required for capital improvement projects, the following procedural steps will be used:

1. Right of Way Engineering:
 - a. Legal Descriptions & Plats: The City will complete legal descriptions of the permanent and temporary right of way parcels to be acquired. On larger projects where multiple parcels are involved, a route survey plat may be created to accurately show the parcels and depict their relationship to the entire project area.
 - b. Title Search: Title searches and verified last deeds of record will be required on any permanent right of way acquisitions. Temporary right of way parcels will not require a title search. Title guarantees may be required on a case by case basis as warranted.
2. Appraising: The City will have the subject parcels independently valued for their fair market value by a licensed appraiser in the State of Indiana. The type and format of the appraisal will vary depending on the size and type of real estate being acquired.
3. Buying: The City, or its agent, will issue written offer letters to each parcel owner for the amount established as just compensation. The parcel owner has 30 days to accept or reject the offer.
4. Administrative Settlements: At times, the City may enter into an administrative settlement when it serves the best interests of the taxpayers and the overall project by avoiding the costs of litigation and excessive delays to the project schedule.

The following guidelines for administrative settlements will apply:

- a. When the just compensation amount from the appraisal is less than \$10,000 –
 - i. The buying agent may offer an additional amount of up to \$1,000, OR
 - ii. The buying agent may offer an additional amount of up to \$2,500 with written approval from the City Engineer.
 - iii. If agreement cannot be reached under i. and ii. above, the City may proceed with filing condemnation.
- b. When the just compensation amount from the appraisal is over \$10,000 and less than \$25,000 – (At no time will the total compensation exceed \$25,000, unless the purchase is funded by the West Lafayette Redevelopment Commission.)
 - i. The buying agent may offer an additional amount of up to \$2,500, OR
 - ii. The buying agent may offer an additional amount of up to \$6,250 with written approval from the City Engineer.

- iii. If agreement cannot be reached under i. and ii. above, the City may proceed with filing condemnation.
- c. For projects funded through the West Lafayette Redevelopment Commission, the City may provide an administrative settlement when the total just compensation amount is over \$25,000 –
 - i. The buying agent may offer an additional amount up to an additional 10% of the appraisal, with 10% not to exceed \$5,000, OR
 - ii. The buying agent may offer an additional amount of up to \$10,000 with written approval from the City Engineer.
 - iii. If agreement cannot be reached under i. and ii. above, the City may proceed with filing condemnation.
- d. When the just compensation amount from the appraisal is over \$50,000 –
 - i. Any modifications to the proposed offer will require Board approval.
 - e. The Board may amend these procedures on a case by case basis at their discretion.
- 5. Recording: Upon the parcel owner's acceptance of the City's offer, the Board will accept and sign the transfer documents and record them within 10 business days.
- 6. Payment: The Board shall approve payment no later than 30 days from the date of offer acceptance.
- 7. Ownership & Possession: At the time of Board approval of the transfer documents, the City will immediately become the owner of the land and any improvements included in the acquisition. However, the City will not take possession of the property until 30 days from the date of payment to the parcel owner.